

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JOEL MILLER, et al.,

Plaintiffs,

v.

ALISA ADLER, et al.,

Defendants.

HONORABLE JEROME B. SIMANDLE

Civil Action No.
17-7149 (JBS/KMW)

ORDER FOR DEFAULT JUDGMENT

Upon consideration of the Complaint and Motions for Default Judgment [Docket Items 29 & 33] by Plaintiffs Joel Miller and Stephanie Segal Miller (collectively, "Plaintiffs"), it appears to the Court that Defendants Daniel Hirsch and Alisa Adler (collectively, "Defendants") were served process on September 21, 2017 and no later than April 22, 2018, respectively, and have knowingly and willfully failed to appear, plead or otherwise defend, and the default against said Defendants having been entered;

IT IS this 29th day of October hereby

ORDERED that Plaintiffs' motions for default judgment shall be, and are hereby, **GRANTED IN PART, DENIED WITHOUT PREJUDICE IN PART**, and **DISMISSED WITHOUT PREJUDICE IN PART**; and it is further

ORDERED that Plaintiffs' motions, insofar as they seek contract damages and interest in connection with Counts 1 & 2 of the Complaint, shall be, and are hereby **GRANTED**; and it is further

ORDERED that judgment is entered against Defendant Adler individually, and in favor of each listed Plaintiff, in the amount of fifty-three thousand, seven hundred and sixty dollars (\$53,760.00) and against Defendants Adler and Hirsch, jointly and severally, and in favor of each listed Plaintiff, in the amount of two hundred and nineteen thousand, five hundred and thirty-four dollars (\$219,534.00), which includes contract damages and interest with regards to Counts 1 & 2 of the Complaint; and it is further

ORDERED that Plaintiffs' request for attorneys' fees and costs shall be, and is hereby, **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED that Plaintiffs may make a renewed request for attorneys' fees and costs, including documentation regarding the costs or fees Plaintiffs have expended in this litigation, consistent with Federal Rule of Civil Procedure 54(d)(2) and Local Civil Rules 54.2(a) & (b); and it is further

ORDERED that Plaintiffs' requests for default judgment with respect to Counts 3 & 4 of the Complaint shall be, and are hereby, **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that if Defendants Adler and Hirsch fail to comply with any of the terms of this Order, Plaintiffs may, in addition to pursuing the remedies provided under Federal Rule of Civil Procedure 69, reopen this case upon motion to this Court and notice

to Defendants, and may at that time ask for further appropriate monetary and/or injunctive relief, including a motion for contempt of court; and it is further

ORDERED that this Order and Judgment is enforceable, without duplication, by one or more of the Plaintiffs, jointly and severally, or their agents; and it is further

ORDERED that Plaintiffs shall promptly cause a copy of this Judgment to be served upon Defendants Adler and Hirsch and shall file a certificate of such service upon this docket; and it is further

ORDERED that Counts 3 and 4 of the Complaint shall be administratively terminated without prejudice to Plaintiffs' rights to pursue them at a later date in a manner consistent with law; and it is further

ORDERED that the Clerk of Court, after entry of the Judgment herein, shall close this case upon the docket. The Court maintains jurisdiction over the enforcement of this Order and Judgment by Default.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
U.S. District Judge